



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

June 7, 2024.

*via Email*

**BRIAN H. LYNK**

Senior Trial Counsel  
U.S. Department of Justice  
Environmental Defense Section  
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*Counsel for the United States of America*

RE: *USA v. Abbott, et al.*, No. 1:23-cv-00853; In the U.S. District Court for the Western District of Texas, Austin Division; Identification of State Defendants' Anticipated Expert Witnesses.

Dear Mr. Lynk:

Defendants hereby identify the following individual as witnesses they may use at trial to present evidence under Fed. R. Evid. 702, 704, or 705, pursuant to Fed. R. Civ. P. 26(a)(2) and the Scheduling Order (ECF 97) entered on March 5, 2024:

**1. Heather Lee Miller, Ph.D.**

Vice President of Business Development and Principal Historian  
Historical Research Associates, Inc.  
C/o Johnathan Stone  
Special Counsel  
Special Litigation Division  
Office of the Attorney General of Texas  
P.O. Box 12548, Capitol Station  
Austin, Texas 78711  
Telephone: (512) 936-2613  
[Johnathan.Stone@oag.texas.gov](mailto:Johnathan.Stone@oag.texas.gov)  
*Counsel for State Defendants*

Dr. Miller is expected to testify regarding historical navigation on the Rio Grande River, including between Mile Markers 275.5 and 610. Dr. Miller may also testify as a rebuttal expert on any other subjects for which the USA designates experts in this matter.



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2. **Carlos Rubinstein**  
Principal at RSAH20, LLC.  
C/o Johnathan Stone  
Special Counsel  
Special Litigation Division  
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*Counsel for State Defendants*

Mr. Rubinstein is expected to testify regarding hydrology, historical, current, and future water rights, water usage, water releases, commerce, trade, navigation, security, vessels, structures, the river conditions, weather conditions, the nature and impact of the buoys, governmental relations, implementation and the operation of relevant treaties, laws, regulations, and policies, relevant federal, state, local, and tribal entities, and the reasonableness of possible improvements to make the Rio Grande River suitable for navigation, including between Mile Markers 275.5 and 610. Mr. Rubinstein may also testify as a rebuttal expert on any other subjects for which the USA designates experts in this matter.

3. **Herman Settlemeier, P.E.**  
Principal at RSAH20, LLC.  
C/o Johnathan Stone  
Special Counsel  
Special Litigation Division  
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*Counsel for State Defendants*

Mr. Settlemeier is expected to testify regarding hydrology, hydraulics, engineering, historical, current, and future water rights, water usage, water releases, commerce, trade,



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navigation, security, vessels, structures, the river conditions, weather conditions, the nature and impact of the buoys, governmental relations, implementation and the operation of relevant treaties, laws, regulations, and policies, relevant federal, state, local, and tribal entities, and the reasonableness of possible improvements to make the Rio Grande River suitable for navigation, including between Mile Markers 275.5 and 610. Mr. Settlemeyer may also testify as a rebuttal expert on any other subjects for which the USA designates experts in this matter.

**4. Ancil Taylor**

Managing Partner of Ancil Taylor Dredging Consulting, LLC.

C/o Johnathan Stone

Special Counsel

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*Counsel for State Defendants*

Mr. Taylor is expected to testify regarding hydrology, dredging, locks, dams, pools, reservoirs, structures, construction, costs, bank conditions, silt, river conditions, permitting, regulations, and the reasonableness of possible improvements to make the Rio Grande River suitable for navigation, including between Mile Markers 275.5 and 610. Mr. Taylor may also testify as a rebuttal expert on any other subjects for which the USA designates experts in this matter.

**5. F. Douglas "Doug" Shields, Jr., Ph.D., P.E., D.WRE**

Principal and Hydraulic Engineer, Shields Engineering, LLC

C/o Johnathan Stone

Special Counsel

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*Counsel for State Defendants*

Dr. Shields is expected to testify regarding hydrology, hydraulics, engineering, dredging, locks, dams, pools, reservoirs, structures, construction, bank conditions, silt, river conditions, water rights, water usage, costs, benefits, water releases, commerce, trade, navigation, security, vessels, structures, the river conditions, weather conditions, the nature and impact of the buoys, governmental relations, implementation and the operation of relevant treaties, laws, regulations, and policies, relevant federal, state, local, and tribal entities, and the reasonableness of possible improvements to make the Rio Grande River suitable for navigation, including between Mile Markers 275.5 and 610. Dr. Shields may also testify as a rebuttal expert on any other subjects for which the USA designates experts in this matter.

6. **Thomas "T. J." Ciarametaro**  
Owner of Five Fathoms Consulting, LLC  
C/o Johnathan Stone  
Special Counsel  
Special Litigation Division  
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*Counsel for State Defendants*

Mr. Ciarametaro is expected to testify regarding law enforcement, national security, dredging, locks, dams, pools, reservoirs, structures, construction, river conditions, harbors, water rights, water usage, water releases, benefits, commerce, trade, navigation, security, vessels, structures, the river conditions, weather conditions, safety, the nature and impact of the buoys, governmental relations, implementation and the operation of relevant treaties, laws, regulations, and policies, relevant federal, state, local, and tribal entities, and the reasonableness of possible improvements to make the Rio Grande River suitable for navigation, including between Mile Markers 275.5 and 610. Mr. Shields may also testify as a rebuttal expert on any other subjects for which the USA designates experts in this matter.



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**7. Eleftherios “Lefteris” Iakovou, Ph.D.**

Professor and Holder of the Harvey Hubbell Professorship of Industrial Distribution  
Department of Engineering Technology and Industrial Distribution Texas A&M University  
C/o Johnathan Stone

Special Counsel

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*Counsel for State Defendants*

Dr. Iakovou is expected to testify regarding supply chains, trade, engineering, commerce, economics, distribution, transportation, manufacturing, production, shipping, intermodal and maritime logistics, carver conditions, costs, benefits, national security, infrastructure, highways of commerce, governmental relations, implementation and the operation of relevant treaties, laws, regulations, and policies, relevant federal, state, local, and tribal entities, and the reasonableness of possible improvements to make the Rio Grande River suitable for navigation, including between Mile Markers 275.5 and 610. Dr. Iakovou may also testify as a rebuttal expert on any other subjects for which the USA designates experts in this matter.

**8. Tong Zhao, Ph.D., P.E., P.S.P., C.C.P., C.F.C.C.**

Senior Director of Delta Consulting Group.

C/o Johnathan Stone

Special Counsel

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*Counsel for State Defendants*



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Dr. Zhao is expected to testify regarding costs, benefits, economics, engineering, construction, forensics, environmental impacts, trade, commerce, river conditions, transportation, navigation, national security, infrastructure, highways of commerce, governmental relations, permitting, implementation and the operation of relevant treaties, laws, regulations, and policies, relevant federal, state, local, and tribal entities, and the reasonableness of possible improvements to make the Rio Grande River suitable for navigation, including between Mile Markers 275.5 and 610. Professor Zhao may also testify as a rebuttal expert on any other subjects for which the USA designates experts in this matter.

**9. Christina Magers, C.W.B.**

Environmental Scientist at Balcones Field Services

C/o Johnathan Stone

Special Counsel

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*Counsel for State Defendants*

Ms. Magers is expected to testify regarding biology, ecology, regulatory frameworks, environmental resources, human and land use, topography, geology, soils, tributaries, reservoirs, aquifers, wetlands, wild and scenic rivers, flood zones, floodplain management, farmland, threatened and endangered species, biological resources, cultural resources, air quality, noise, socioeconomics, transportation and circulation, utilities, hazardous materials and waste, indirect and cumulative considerations, benefits, economics, construction, environmental impacts, commerce, river conditions, navigation, national security, infrastructure, highways of commerce, water rights, water usage, water releases, governmental relations, permitting, implementation and the operation of relevant treaties, laws, regulations, and policies, relevant federal, state, local, and tribal entities, and the reasonableness of possible improvements to make the Rio Grande River suitable for navigation, including between Mile Markers 275.5 and 610. Ms. Magers may also testify as a rebuttal expert on any other subjects for which the USA designates experts in this matter.



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**10. Cassandra “Sandi” K. Hart, M.S.**

Senior Environment Project Manager at Coastal Environments, Inc.

C/o Johnathan Stone

Special Counsel

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*Counsel for State Defendants*

Ms. Hart is expected to testify regarding biology, ecology, regulatory frameworks, environmental resources, human and land use, topography, geology, soils, tributaries, reservoirs, aquifers, wetlands, wild and scenic rivers, flood zones, floodplain management, farmland, threatened and endangered species, biological resources, cultural resources, air quality, noise, socioeconomics, transportation and circulation, utilities, hazardous materials and waste, indirect and cumulative considerations, benefits, economics, construction, environmental impacts, commerce, river conditions, navigation, national security, infrastructure, highways of commerce, water rights, water usage, water releases, governmental relations, permitting, implementation and the operation of relevant treaties, laws, regulations, and policies, relevant federal, state, local, and tribal entities, and the reasonableness of possible improvements to make the Rio Grande River suitable for navigation, including between Mile Markers 275.5 and 610. Ms. Hart may also testify as a rebuttal expert on any other subjects for which the USA designates experts in this matter.

**11. Kathy Alexander, Ph.D.**

Senior Policy and Technical Analyst at the Water Availability Division, Texas Commission on Environmental Quality

C/o Johnathan Stone

Special Counsel

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*Counsel for State Defendants*

Dr. Alexander is not retained or specially employed to provide expert testimony in this case or a person whose duties regularly involve giving expert testimony. Dr. Alexander is expected to testify regarding interbasin transfers, water availability determinations, and Texas' boundary water agreements, hydrology, regulatory frameworks, historical, current, and future water rights, water usage, water releases, river conditions, navigation, commerce, trade, security, vessels, structures, permitting, the river conditions, weather conditions, the nature and impact of the buoys, governmental relations, implementation and the operation of relevant treaties, laws, regulations, and policies, relevant federal, state, local, and tribal entities, and the reasonableness of possible improvements to make the Rio Grande River suitable for navigation, including between Mile Markers 275.5 and 610. Dr. Alexander may also testify as a rebuttal expert on any other subjects for which the USA designates experts in this matter.

Pursuant to Fed. R. Civ. P. 26(a)(2) and the Scheduling Order (ECF 97) entered on March 5, 2024, Dr. Alexander will provide the information required by Fed. R. Civ. P. 26(a)(2)(C) on June 14, 2024.

**12. Michael Banks**

Special Advisory to the Governor of Texas on Border Matters

C/o Johnathan Stone

Special Counsel

Special Litigation Division

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*Counsel for State Defendants*

Mr. Banks is not retained or specially employed to provide expert testimony in this case or a person whose duties regularly involve giving expert testimony. Mr. Banks is expected to testify regarding border security, including whether the buoys are effective deterrent to transnational crime and illegal immigration, whether the buoys pose a danger to the public





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or law enforcement, whether the buoys inhibit the ability to for federal and state law enforcement to perform their job duties, and the conditions at the border necessitating installation of the buoys.

Pursuant to Fed. R. Civ. P. 26(a)(2) and the Scheduling Order (ECF 97) entered on March 5, 2024, Mr. Banks will provide the information required by Fed. R. Civ. P. 26(a)(2)(C) on June 14, 2024.

**13. Adrian Cortez**

Hydrologist at the International Boundary & Water Commission—U.S. Section  
C/o Brian H. Lynk  
Senior Trial Counsel  
U.S. Department of Justice  
Environmental Defense Section  
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*Counsel for the United States of America*

Defendants dispute that Mr. Cortez is an expert on any matter relevant to this case; however, in the event that he is found to be a qualified expert, Defendants cross designate Mr. Cortez as an expert on the treaty and regulatory requirements necessary to make the Rio Grande River navigable between Mile Markers 275.5 and 610, the length of time it will take to drain the Amistad Reservoir of water to make the Rio Grande River navigable between Mile Markers 275.5 and 610, the amount of water necessary to overcome the weirs and Maverick Dam such that the Rio Grande River is navigable between Mile Markers 275.5 and 610, that the Rio Grande River is not a highway of commerce between Mile Markers 275.5 and 610, and the absence of any lawful commercial navigation occurring between Mile Marker 275.5 to Mile Marker 610.

**14. Benjamin Johnson, Ph.D.**

Professor of History at Loyola University Chicago  
C/o Brian H. Lynk  
Senior Trial Counsel



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*Counsel for the United States of America*

Defendants dispute that Dr. Johnson is an expert on any matter relevant to this case; however, in the event that he is found to be a qualified expert, Defendants cross designate Dr. Johnson as an expert on the absence of historical commercial navigation in goods or trade traveling up and down the Rio Grande River, including between Mile Marker 275.5 to Mile Marker 610.

15. **Timothy MacAllister**  
Chief of Operations for the Fort Worth  
District, U.S. Army Corps of Engineers.  
C/o Brian H. Lynk  
Senior Trial Counsel  
U.S. Department of Justice  
Environmental Defense Section  
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*Counsel for the United States of America*

Defendants dispute that Mr. MacAllister is an expert on any matter relevant to this case; however, in the event that he is found to be a qualified expert, Defendants cross designate Mr. MacAllister an expert on the treaty and regulatory requirements necessary to make the Rio Grande River navigable between Mile Markers 275.5 and 610, that the Rio Grande River is not a highway of commerce between Mile Markers 275.5 and 610, and the absence of any lawful commercial navigation occurring between Mile Marker 275.5 to Mile Marker 610.



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16. **John C. Timmel**  
Owner of Starboard Ten, Inc.  
District, U.S. Army Corps of Engineers.  
C/o Brian H. Lynk  
Senior Trial Counsel  
U.S. Department of Justice  
Environmental Defense Section  
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*Counsel for the United States of America*

Defendants dispute that Mr. Timmel is an expert on any matter relevant to this case; however, in the event that he is found to be a qualified expert, Defendants cross designate Mr. Timmel as an expert on the absence of any lawful commercial navigation occurring between Mile Marker 275.5 to Mile Marker 610, that the Rio Grande River is not a highway of commerce between Mile Markers 275.5 and 610, the absences of any commercial navigation in the vicinity of the buoys, the unlawfulness of international commercial navigation that does not enter through a designated port of entry.

Defendants will produce reports and opinions, as required by Fed. R. Civ. P. 26(a)(2), on June 14, 2024, pursuant to the Scheduling Order (ECF 97) entered on March 5, 2024.

Defendants reserve the right to supplement, amend, or modify their expert disclosures, reports, and opinions.

Kind regards,

/s/ Johnathan Stone

**JOHNATHAN STONE**

Special Counsel

Tex. State Bar No. 24071779



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*Counsel for State Defendants*